

**U.S. ENVIRONMENTAL PROTECTION AGENCY
\$200,000 EMERGENCY ACTION MEMORANDUM/SECOND POLLUTION REPORT**

Date: April 1, 2004

Subject: **SPECIAL POLREP
NOTIFICATION OF \$200,000 ACTIVATION
Mid-South Storage Drum Site**

From: Steve Spurlin, OSC, Region 4

To: Regional Response Center, 4WD-ERRB
MS DEQ
EPA-HQ, Regional Coordinator

Site No: A4EL	Delivery Order No: Non-ERRS PO
	TO Amount: \$10,000
	Contractor: US Environmental Services
CERCLIS No: MSN000407759	ERNS NO: 717440
Response Authority: CERCLA	NPL Status: Non-NPL
State Notification: 03/30/04	Start Date: 03/30/04
Demobilization Date(initial): 03/31/04	Completion Date: TBD

I. PURPOSE

The purpose of this document is twofold. First, it documents the decision to initiate emergency removal/ stabilization actions described herein for the Mid-South Storage Drum Site, located at 841 Town & Country Drive, Unit #178, Southaven, Mississippi 38671 under the OSC's \$200,000 authority. And second, it serves as the Second Pollution Report (POLREP #2) for the Site.

II. INTRODUCTION & BACKGROUND

On March 17, 2004, the Mississippi Department of Environmental Quality (MSDEQ) contacted OSC Spurlin regarding information they had received related to the suspected illegal disposal of drums and containers in a rental storage unit. The owner of the storage facility had become suspicious when the long-term unit renter was adamant and demanding that the company representative not enter the unit. The owner opened the unit and discovered numerous drums and containers. Since the initial information did not indicate an ongoing release, and the unit was secured, the OSC contacted the MS DEQ and scheduled a site visit for 3/30/04.

Upon arriving at the unit at 0900hrs on 3/30/04, the OSC and MS DEQ representative, Richard Ball, observed numerous containers of suspected corrosives, solvents and pesticides in storage unit #178. OSC Spurlin then reported the incident to the National Response Center (NRC Report #717440). Further investigation found that storage unit contained hundreds of commingled lab size chemical containers. A residue from a 55 gallon drum was observed on the floor, and staining and chemical residues were noted on cardboard boxes containing chemicals. OSC Spurlin mobilized EPA's technical assistance contractor Tetra-Tech and a local contractor, U.S. Environmental Services, to stabilize any leaking containers, sample, and document site conditions. OSC Spurlin is coordinating with the Criminal Investigation Division and the MS Bureau of Plant Industry to assist with the investigation of the site and ownership and to provide technical assistance relating to the pesticide products present in the storage unit.

Based on the ongoing and potential release of hazardous substances documented during the site investigation, the OSC has determined that the Site meets the criteria for initiating a Removal Action under Section 300.415 of the NCP. As a result of Site conditions, immediate action pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), is needed at the Site.

Pursuant to Delegation 14-1-A, authority to obligate emergency CERCLA funding in the amount of \$200,000 to initiate removal/stabilization actions has been delegated to the OSC. The OSC has approved the use of CERCLA funding to mitigate the threat to public health, welfare and the environment at the Mid-South Storage Drum Site.

III. THREAT

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. The selected criteria from paragraphs (b)(2) (i), (iii), (iv), (v) and (vii) directly apply as follows to the conditions at the Site:

 X 300.415 (b)(2)(i) "Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants"

The wastes abandoned in the storage unit could release hazardous substances into adjoining storage units potentially exposing people visiting their units. Additionally, many of the compounds stored in the small storage area are incompatible and could create a fire/explosion condition if mixed.

 X 300.415 (b)(2)(iii) "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release"

A waste inventory generated during the response identified 43, 55 gallon drums and hundreds of

smaller lab chemical containers. The containers are in poor condition and show signs of leakage.

- 300.415 (b)(2)(iv) “High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate”
- 300.415 (b)(2)(v) "Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released"
- 300.415 (b)(2)(vii) "The availability of other appropriate Federal or State response mechanisms to respond to the release"

V. RESPONSE INFORMATION

A. Situation

1. Removal activities to date

a. Federal Government

On March 30, 2004, EPA Region 4 On-Scene Coordinator Spurlin initiated a response to stabilize any leaking containers. Two 55 gallon drums were over packed and the lab chemicals were transferred from the rotting cardboard boxes to plastic storage bins. The material was returned to the unit and secured.

b. State/Local

The MS DEQ notified the EPA of the site and a MS DEQ representative was on-scene during the initial site investigation. MS DEQ is assisting with tracking of the owner and identification of potential on-site waste via RCRA records.

2. Enforcement¹

Attempts to contact the renter of the unit during the response where unsuccessful. A request will be made for an EPA attorney to be assigned, and the enforcement process will be initiated.

B. Planned Removal Actions

¹ Enforcement strategy is not part of the Action Memo for purposes of NCP consistency.

1. Action description

With the \$200,000 emergency funding, the OSC will stabilize the containers, document site conditions, and sample to determine the nature of the material on-site. EPA will periodically monitor the status and condition of the waste and may be required to conduct further stabilization or disposal actions if conditions worsen during the time EPA is investigating the site.

2. ARARs

The potential Federal ARARs identified for the site include:

XXX RCRA Land Disposal Restrictions
XXX RCRA Treatment, Storage and Disposal
XXX RCRA Transportation
XXX DOT
XXX OSHA

3. Project schedule

The initial removal action was started on 3/30/04 and completed on 3/31/04; however, additional actions may be required since the waste remains in the storage unit. All work is anticipated to be completed within one year of the start date of this action.

C. Next Steps

EPA is awaiting the sample results and will continue to periodically monitor site conditions. Efforts to contact the potential responsible party will continue.

VI. COSTS TO DATE

Extramural Costs:

	Ceiling	Costs To Date
ERRS	\$140,000	\$8,500
START	<u>\$ 30,000</u>	<u>\$9,000</u>
TOTAL, EXTRAMURAL COSTS	\$170,000	\$17,500

Intramural Costs:

Direct Costs (Region, HQ, ERT)	\$10,000	\$ 500
Intramural Indirect Costs	<u>\$18,000</u>	<u>\$ 900</u>
TOTAL, INTRAMURAL COSTS	\$28,000	\$ 1400

TOTAL PROJECT SITE COST

\$198,000 \$18,900

The Project Ceiling has been approved by the OSC as documented in this Action Memo / Second Pollution Report. The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor. Other financial data, which the OSC must rely upon, may not be entirely up to date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

VII. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

VIII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay in action or no action at this Site would increase the actual or potential threats to the public and the environment. The containers are in poor condition. The release and mixing of incompatible chemicals could cause reaction creating an increased risk of exposure to nearby humans.

IX. OUTSTANDING POLICY ISSUES

There are no policy issues associated with the site.

X. APPROVAL

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the site.

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and through this document, I am approving the proposed removal actions. The total project ceiling is \$198,000 of which an estimated \$170,000 will be funded from the Regional removal allowance.

Steve Spurlin, On-Scene Coordinator
EPA-Region 4
Atlanta, GA

Date